

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 31, 2011

8:30 A.M. ROLL CALL

Invocation by Pastor Shane Scott of the Saints Rest Missionary Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FRESNO COIN GALLERY DAY" – Mayor's Office – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of [March 17, 2011](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. [Authorize the Director of Transportation to enter into an agreement to receive \\$140,000 in grant funding from the San Joaquin Valley Air Pollution Control District Technology Advancement Program, subject to City Attorney approval to form - Transportation Dept./Fleet Mgmt.](#)
Action Taken: Authorized
- B. [Award and approve administrative agreement with Willdan Financial Services to provide services in connection with City bonds relating to arbitrage calculations and continuing disclosure, and the administration of special districts within the boundaries of the City of Fresno– Finance Dept.](#)
Action Taken: Approved
- C. [Approve a partial acquisition of one \(1\) parcel from property owned by Central California Nikkei Foundation for the widening of Peach Avenue to a four-lane divided arterial from Belmont Avenue to Kings Canyon Road \(***Property located in District 5***\) – Public Works Dept.](#)
Action Taken: Approved
- D. [Approve a partial acquisition of one \(1\) parcel from property owned by Lily L. Chung and Walter M. Gee and Wai Yiu Gee for the widening of Peach Avenue to a four-lane divided arterial from Belmont Avenue to Kings Canyon Road \(***Property located in District 5***\) – Public Works Dept.](#)
Action Taken: Approved
- E. [Adopt the Findings of Categorical Exemption pursuant to Section 15301\(a\) \(Class 1 Existing Facilities\) of the California Environmental Quality Act \(CEQA\) Guidelines for a month to month lease, ending no later than June 30, 2012, of improved commercial property at 1231 Van Ness, Fresno, California, commonly known as a portion of Parking Structure No. 9 \(***Property located in District 3***\) – Public Works Dept.](#)
Action Taken: Adopted
 - 1. Approve a month-to-month lease ending no later than June 30, 2012, of approximately 3,134 gross square feet of improved commercial property at 1231 Van Ness, Fresno, California, commonly known as a portion of Parking Structure No. 9 to Kocky's Bar and Grill, a Delaware limited liability company, at a monthly rental rate of \$2,000.00 payable monthly, in advance
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. Approve a substitution of a listed subcontractor for the manhole rehabilitation on the Grantland trunk sewer, Project RC00080 (*Property located in Districts 1, 2 and 3*) – Public Works Dept.
Action Taken: Approved
- G. Approve a substitution of a listed subcontractor for sewer rehabilitation in Fruit, Gettysburg, Vagedes, Santa Ana, Marks, and Wishon Avenues and Fresno and First Streets, Project RC00109 (*Property located in Districts 1, 3, 6 and 7*) – Public Works Dept.
Action Taken: Approved
- H. Authorize the Director of the Development and Resource Management Department to negotiate and enter into a consulting services contract in an amount not to exceed \$113,000.00 for building performance institute training provider services for the Fresno Regional Comprehensive Residential Retrofit Program with Consol of Stockton, CA, subject to City Attorney approval to form - Development and Resource Management Department
Action Taken: Authorized
- I. Approve the re-appointment of Mee Cha to the Fresno Regional Workforce Investment Corporation – Mayor's Office
Action Taken: Approved
- J. Authorize acceptance of fiscal year 2010 Cycle State Homeland Security Program funds sub-granted from the State of California Governor's Office of Homeland Security as a part of the U.S. Department of Homeland Security's State Homeland Security Grant Program, in the amount of \$528,056.00 – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** – 76th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$448,100.00 for the Fresno Police Department's Homeland Security Grant Program; the remaining \$80,000.00 will be included in fiscal year 2012 budget (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-49 adopted
- K. Authorize the increase of School Resource Officers' (SRO) overtime appropriation by \$40,000.00 in order for the Fresno Police Department to continue providing safety service for Central and Fresno Unified School Districts – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** - 77th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$40,000.00 for the Fresno Police Department School Resource Officers Program (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-50 adopted
- L. Approve the agreement with the National Association of County and City Health Officials (NACCHO) for the acceptance of a \$5,000.00 award to support the Fresno Police Department's Medical Reserve Corps Program – Police Dept.
Action Taken: Approved
- M. Authorize and approve a month-to-month extension of the non-exclusive tow franchise agreement between the Fresno Police Department and current rotational tow operators - Police Dept.
Action Taken: Authorized
- N. Approval of a master lease with the Fresno County Economic Opportunities Commission for the continued use of five (5) City sites for Head Start pre-school program - PARCS
Action Taken: Approved

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M. #1 GENERAL ADMINISTRATION

- A. Adopt Findings of a Mitigated Negative Declaration (State Clearing House No. 2011021037) for acquisition of four (4) parcels comprising 35.137 acres near the northeast corner of Brawley and Nielsen Avenues (*Property located in District 3*) – Dept. of Public Utilities
Action Taken: Adopted
1. * **RESOLUTION** - 65th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,804,900 for acquisition of four (4) parcels comprising 35.137 acres near the northeast corner of Brawley and Nielsen Avenues for development of a groundwater recharge facility (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-51 adopted
 2. Authorize the Director of Public Works or his designee to sign all necessary documents on behalf of the City, subject to City Attorney approval to form
Action Taken: Authorized

9:15 A.M. #2 CITY COUNCIL

- A. Reserve Management Act – Council President Brand
Action Taken: Discussed and continued one week
1. * **RESOLUTION** – To establish the Reserve Management Act to institute formal reserve policies

9:30 A.M. Presentation to Council of the Utility Advisory Committee final report and recommendations - Public Utilities – Presentation made

- 10:00 A.M. **HEARING** ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College alley (*Property located in District 3*) – Public Works Dept.
Action Taken: Held
- a. Affirm a Finding of Statutory and Categorical Exemption, pursuant to Sections 21159.23 (Low-income Housing) and 21159.24 (Infill Housing) of the Public Resources Code and Section 15332 (Class 32/Infill Development Projects) of the CEQA Guidelines, Environmental Assessment No. C-10-157/T-5982
Action Taken: Affirmed
 - b. * **RESOLUTION** – Ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College alley
Action Taken: Resolution No. 2011-52 adopted

- 10:15 A.M. **HEARING** regarding Community Facilities District No. 11, Annexation No. 37, Tract No. 5498 (*Property located in District 5*) – Public Works Dept.
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 37 and authorizing the levy of a special tax
Action Taken: Resolution No. 2011-53 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2011-54 adopted
 - c. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2011-55 adopted
 - d. * **BILL** – Levying a special tax for the property tax year 2010-2011 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 37
Action Taken: Bill No. B-12/Ordinance No. 2011-11 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:30 A.M.** **CONTINUED HEARING** to consider Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services – Development and Resource Management Dept. **(Refer back to staff)**
Action Taken: Referred back to staff
- 10:45 A.M.** **CONTINUED HEARING** to consider of Plan Amendment Application No. A-10-005 and Final Environmental Impact Report (EIR) No. 10136 (SCH No. 2005061150) to amend the Fresno Yosemite International Environs Plan, pertaining to approximately 7,150 acres of urbanized land on and around the Fresno Yosemite International Airport defined as the Airport Influence Area **(Property located in Districts 4, 5 and 7)** – Development and Resource Management Department
Action Taken: Held
1. **RESOLUTION** - Certifying Final Environmental Impact Report (EIR) No. 10136 (SCH No. 2005061150), for Plan Amendment A-10-005; and:
 - a. Adopting Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and
 - b. Approving a Mitigation Monitoring Program as required by Public Resources Code sec. 21081.6 and CEQA Guidelines Sec. 15097; and
 - c. Adopting the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093, as related to the proposed Fresno Yosemite International Airport improvements and other discretionary actions pertaining to the Fresno Yosemite International Airport described and analyzed in the Environmental Impact Report
Action Taken: Resolution No. 2011-56 adopted
 2. **RESOLUTION** – Amending the 2025 Fresno General Plan, as well as the Hoover, McLane and Roosevelt Community Plans by updating the noise contours and safety zones depicted on exhibits within those plans
Action Taken: Resolution No. 2011-57 adopted
 3. **BILL - (For introduction and adoption)** - Amending the Fresno Yosemite International Airport and Environs Plan (a Specific Plan), to incorporate the recent updates to the Fresno Yosemite International Airport Compatibility Land Use and Plan adopted by the Fresno County Airport Land Use Commission, which includes updated noise contours and safety zones and revised organization and terminology consistent with State law
Action Taken: Bill No. B-13/Ordinance No. 2011-12 adopted
- 11:00 A.M.** **CONTINUED HEARING** regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept. **(Continue to April 28, 2011, at 10:15 a.m.)**
Action Taken: Continued as noted

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6:
City Negotiators: Ken Phillips, Terry Bond
Employee Organizations: IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (IAFF Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (IAFF Management)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)
Action Taken: Laid over one week

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr. 7 - MEETING

Apr. 13 - **(Weds)** 2:00 P.M. Employee Service Awards Presentation (*Reception immediately following – 2nd floor foyer*)

Apr. 14 - MEETING

Apr. 21 - NO MEETING – EASTER WEEK

Apr. 28 - 10:00 A.M. HEARING re: Rezone Application No. R-10-007, filed by Dirk Poeschel
Apr. 28 - 10:15A.M. CONTINUED HEARING regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept.

May 5 - MEETING

May 12 - 8:30 A.M. Presentation of P.R.I.D.E. Team Certificates Ceremony (*Reception immediately following – 2nd floor foyer*)

May 19 - MEETING – **ROLL CALL AT 9:00 A.M.**

May 26 - 10:00 A.M. HEARING re: CFD No. 11, Annexation No. 42, Tract No. 5977 (*Property located in District 6*)